

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 433**

**Citations Affected:** IC 16-42; IC 25-26.

**Synopsis:** Pharmacists. Allows a pharmacist to refill a prescription without the written or oral authorization of a licensed practitioner if certain specified conditions are met. Prohibits a pharmacist from reselling, reusing, or redistributing medication that is returned to the pharmacy after the medication has been dispensed unless certain conditions are met. Provides that a pharmacist who violates the provisions regarding the emergency dispensing of a prescription medication commits a Class A infraction. Adds "Rx Only" as a federal legend. Allows a pharmacist to serve as a qualifying pharmacist for more than one pharmacy holding a Type II permit if certain conditions are met. Provides that a pharmacist may not dispense an emergency refill if the practitioner has designated on the prescription "No Emergency Refill". (This conference report: (1) adds language that revises the conditions that must be met in order for a pharmacist to dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; (2) terminates a pharmacist's ability to refill a prescription without the written or oral authorization of a licensed practitioner after June 30, 2003; (3) provides that a pharmacist may not dispense an emergency refill if the practitioner has designated on the prescription "No Emergency Refill"; and (4) removes a provision that prohibited the office of Medicaid policy and planning, until July 1, 2003, from adjusting the rate of the dispensing fee paid to pharmacies participating in the Medicaid program, for outpatient drugs that are dispensed directly to the consumer, from the rate levels that were in place on January 1, 2001.)

**Effective:** July 1, 2001.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 433 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1       Page 6, line 13, delete "(c)," and insert **"(c) before the expiration of**
- 2       **subsection (c) on June 30, 2003,".**
- 3       Page 7, line 16, after "refill" insert **"and the reason for the refill".**
- 4       Page 7, delete lines 18 through 30, begin a new line block indented
- 5       and insert:
- 6       **"(8) Any pharmacist initiated refill under this subsection may**
- 7       **not be for more than the minimum amount necessary to supply**
- 8       **the patient through the prescribing practitioner's next business**
- 9       **day. However, a pharmacist may dispense a drug in an amount**
- 10       **greater than the minimum amount necessary to supply the**
- 11       **patient through the prescribing practitioner's next business**
- 12       **day if:**
- 13       **(A) the drug is packaged in a form that requires the**
- 14       **pharmacist to dispense the drug in a quantity greater than**
- 15       **the minimum amount necessary to supply the patient**
- 16       **through the prescribing practitioner's next business day; or**
- 17       **(B) the pharmacist documents in the patient's record the**
- 18       **amount of the drug dispensed and a compelling reason for**
- 19       **dispensing the drug in a quantity greater than the minimum**
- 20       **amount necessary to supply the patient through the**
- 21       **prescribing practitioner's next business day.".**

- 1       Page 7, between lines 33 and 34, begin a new line blocked left and
- 2       insert:
- 3       **"A pharmacist may not refill a prescription under this subsection**
- 4       **if the practitioner has designated on the prescription form the**
- 5       **words "No Emergency Refill". This subsection expires June 30,**
- 6       **2003."**
- 7       Page 8, delete lines 40 through 42.
- 8       Delete page 9.
- (Reference is to ESB 433 as reprinted April 11, 2001.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 433**

**S**igned by:

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Senator Johnson  
Chairperson

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Representative Hasler

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Senator Craycraft

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Representative Dillon

**Senate Conferees**

**House Conferees**